



**SUPPLEMENT TO THE VOTES AND PROCEEDINGS**

**Wednesday 17 October 2012**  
**REPORT STAGE PROCEEDINGS**

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**ENTERPRISE AND REGULATORY REFORM BILL, AS AMENDED**  
*[SECOND DAY]*

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 2*

*Tribunal procedure: miscellaneous*

Secretary Vince Cable

*Added NC8*

To move the following Clause:—

- (1) The Employment Tribunals Act 1996 is amended as follows.
  - (2) In section 9 (pre-hearing reviews and preliminary matters), in subsection (2) (deposit orders), in paragraph (a)—
    - (a) omit “, if he wishes to continue to participate in those proceedings,”;
    - (b) after “an amount not exceeding £1,000” insert “as a condition of—
      - (i) continuing to participate in those proceedings,  
or
      - (ii) pursuing any specified allegations or arguments”.
  - (3) In section 13A (payments in respect of preparation time)—
    - (a) in subsection (3), after “shall also” insert “, subject to subsection (4),”;
    - (b) after subsection (3) insert—
      - “(4) Subsection (3) does not require the regulations to include provision to prevent an employment tribunal from making—
        - (a) an order of the kind mentioned in subsection (1), and
        - (b) an award of the kind mentioned in section 13(1)(a) that is limited to witnesses’ expenses.”
  - (4) In section 42 (interpretation), in subsection (1), after the definition of “employment tribunal procedure regulations” insert—
    - ““representative” shall be construed in accordance with section 6(1) (in Part 1) or section 29(1) (in Part 2),”.
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**Enterprise and Regulatory Reform Bill, continued***Removal of requirement for protected disclosures to be made in good faith*

Katy Clark  
Mr Richard Shepherd

*Not called* **NC1**

To move the following Clause:—

‘The Employment Rights Act 1996 is amended as follows:

- (1) Omit “in good faith”—
  - (a) in section 43C (Disclosures qualifying for protection), in subsection (1),
  - (b) in section 43E (Disclosure to Minister of the Crown), in paragraph (b), and
  - (c) in section 43F (Disclosure to prescribed person), in subsection (1)(a).
- (2) Omit “makes the disclosure in good faith,
  - (b) he”—
    - (a) in section 43G (Disclosure in other cases), in subsection (1), and
    - (b) in section 43H (Disclosure of exceptionally serious failure), in subsection (1).’.

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*Duty on employers to prevent detriment caused by others to workers who have made protected disclosures*

Katy Clark  
Mr Richard Shepherd

*Not called* **NC2**

To move the following Clause:—

- ‘(1) The Secretary of State shall make regulations requiring an employer, where a worker has made a protected disclosure under section 43A of the Employment Rights Act 1996, to take reasonable steps to ensure that the worker is not subjected to any detriment by any act, or any deliberate failure to act, by a person other than his employer done on the ground that worker has made the disclosure.
- (2) Regulations under this section—
  - (a) are to be made by statutory instrument, and
  - (b) are not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.’.

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Mr Chuka Umunna  
Mr Iain Wright  
Iain Murray  
Chi Onwurah

*Not called* **80**

Page 4, line 13 [*Clause* 7], at end insert—

- ‘(1) Prior to the commencement of this section, the Secretary of State shall carry out an impact assessment into the effect of the introduction of proposed fees for the

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Enterprise and Regulatory Reform Bill, *continued*

employment tribunal system and the impact this will have on the effectiveness of ACAS conciliation proceedings.’.

Secretary Vince Cable

Page 4, line 18 [*Clause 7*], leave out ‘send’ and insert ‘provide’.

*Agreed to 6*

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Secretary Vince Cable

Page 5, line 33 [*Clause 7*], leave out ‘sending’ and insert ‘providing’.

*Agreed to 7*

John McDonnell  
Caroline Lucas  
Jeremy Corbyn  
Stewart Hosie  
Jonathan Edwards  
Katy Clark

Page 5, line 43 [*Clause 7*], at end insert—

*Not called 51*

‘(e) preventing an employer or ex-employer of a prospective Claimant from applying for costs against the prospective Claimant under the Employment Tribunal Rules or other measures to provide an incentive to employers or ex-employers to take part in the conciliation process.’.

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John McDonnell  
Caroline Lucas  
Jeremy Corbyn  
Stewart Hosie  
Jonathan Edwards  
Katy Clark

Page 7, line 27 [*Clause 11*], after (2) insert ‘With the consent of the parties but not otherwise.’.

*Not called 52*

John McDonnell  
Caroline Lucas  
Jeremy Corbyn  
Stewart Hosie  
Jonathan Edwards  
Katy Clark

Page 7 [*Clause 11*], leave out lines 29 to 38.

*Not called 53*

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**Enterprise and Regulatory Reform Bill, *continued***

John McDonnell  
 Caroline Lucas  
 Jeremy Corbyn  
 Stewart Hosie  
 Jonathan Edwards  
 Katy Clark

*Not called* **54**

Page **8** [*Clause 11*], leave out lines 1 to 10.

Chuka Umunna  
 Iain Wright  
 Iain Murray  
 Chi Onwurah

*Negated on division* **81**

Page **8**, line **19**, leave out Clause 12.

Secretary Vince Cable

*Agreed to* **8**

Page **8** [*Clause 12*], leave out lines 22 to 27 and insert—

‘(1) Evidence of pre-termination negotiations is inadmissible in any proceedings on a complaint under section 111.  
 This is subject to subsections (2) to (4).

(1A) In subsection (1) “pre-termination negotiations” means any offer made or discussions held, before the termination of the employment in question, with a view to it being terminated on terms agreed between the employer and the employee.’.

Secretary Vince Cable

*Agreed to* **9**

Page **8**, line **36**, [*Clause 12*], leave out from beginning to second ‘to’ in line 37 and insert ‘Subsection (1) does not affect the admissibility, on any question as to costs or expenses, of evidence relating’.

Secretary Vince Cable

*Agreed to* **10**

Page **8** [*Clause 12*], leave out lines 40 to 43.

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Mr Chuka Umunna  
 Mr Iain Wright  
 Iain Murray  
 Chi Onwurah

*Negated on division* **82**

Page **9**, line **1**, leave out Clause 13.

Secretary Vince Cable

*Agreed to* **11**

Page **9** [*Clause 13*], leave out lines 8 to 10 and insert—

‘(b) the lower of—

(i) a specified amount, and

**Enterprise and Regulatory Reform Bill, continued**

- (ii) a specified number multiplied by a week's pay of the individual concerned.'

Secretary Vince Cable

Page 9, line 11 [*Clause 13*], after '(2)(a)' insert 'or (b)(i)'.

*Agreed to 12*

Secretary Vince Cable

Page 9, line 13 [*Clause 13*], after '(2)(a)' insert 'or (b)(i)'.

*Agreed to 13*

John McDonnell

Page 9 [*Clause 13*], leave out line 15.

*Not called 70*

Secretary Vince Cable

Page 9, line 16 [*Clause 13*], after '(2)(b)' insert '(ii)'.

*Agreed to 14*

John McDonnell

Page 9, line 33 [*Clause 13*], leave out 'in whatever way the Secretary of State thinks fit' and insert 'by the Secretary of State following consultation with the TUC and CBI'.

*Not called 71*

Secretary Vince Cable

Page 9, line 38 [*Clause 13*], after '13(2)(b)' insert '(ii)'.

*Agreed to 15*

Richard Fuller

Page 10, line 1, leave out Clause 14.

*Not called 58*

Richard Fuller

Page 10, line 11 [*Clause 14*], at end insert—

- (c) and where the employer employs in excess of 10 employees at the time of the claim first being submitted to ACAS as per section 18A of this Act,'.

*Not called 59*

Mr Chuka Umunna

Mr Iain Wright

Ian Murray

Chi Onwurah

Page 10, line 14 [*Clause 14*], at end insert—

- (1A) The Secretary of State shall by regulations provide for an employer to pay a penalty to the Secretary of State for each period of time (as specified in those regulations) that passes during which an award of compensation under Part X of the Employment Rights Act 1996 has not yet been paid by the employer.'

*Not called 92*

Enterprise and Regulatory Reform Bill, *continued*

John McDonnell

*Not called* 72Page 10, line 17 [*Clause 14*], leave out from ‘£5,000’ until end of line 4 on page 11.Mr Chuka Umunna  
Mr Iain Wright  
Iain Murray  
Chi Onwurah*Not called* 83Page 10 [*Clause 14*], leave out lines 20 to 25.

John McDonnell

*Not called* 73Page 11, line 47 [*Clause 14*], after ‘Fund’, insert ‘to be spent with the objective of promoting awareness of employment rights and promoting training for employment.’.Mr Chuka Umunna  
Mr Iain Wright  
Iain Murray  
Chi Onwurah*Not called* 94Page 12, line 4 [*Clause 15*], leave out from ‘(protection),’ to end of line 5, and insert ‘after subsection (2), insert—

“(2A) The disclosure of information relating to a private contractual matter to which the person making the disclosure is party is not a qualifying disclosure unless the worker making the disclosure reasonably believes it to be made in the public interest.”.

Secretary Vince Cable

*Agreed to* 16Page 12, line 23 [*Clause 17*], leave out paragraph (c).

Secretary Vince Cable

*Agreed to* 17Page 12, line 35 [*Clause 17*], at end insert—

“(2A) In section 49 of the National Minimum Wage Act 1998 (restrictions on contracting out)—

(a) in subsections (3) and (4), for “compromise” (in each place where it occurs) substitute “settlement”;

(b) after subsection (8) insert—

“(8A) In the application of this section in relation to Northern Ireland, subsections (3) and (4) above shall have effect as if for

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**Enterprise and Regulatory Reform Bill, *continued***

“settlement agreements” (in each place) there were substituted  
“compromise agreements.””

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John McDonnell  
Caroline Lucas  
Jeremy Corbyn  
Stewart Hosie  
Jonathan Edwards  
Katy Clark

Page 65, line 22 [*Schedule 2*], leave out ‘one month’ and insert ‘six months’.

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*Not called* 57

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**NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 1**

*Interpretation of the green purposes: duty to assess impact on the Climate Change Act 2008*

Mr Chuka Umunna  
Caroline Flint  
Caroline Lucas  
Mr Iain Wright  
Ian Murray  
Chi Onwurah

*Negatived on division* NC22

To move the following Clause:—

- ‘(1) In interpreting the purposes in section 1(1)(a) to (e), it is the duty of the UK Green Investment Bank to assess whether the implementation of its investment strategy, or similar document outlining or amending the proposed investment portfolio of the UK Green Investment Bank will, as a whole, increase the likelihood of achieving carbon budgets and greenhouse reduction targets as set out under the Climate Change Act 2008.
  - (2) In subsection (1), whether or not an investment strategy will increase the likelihood of achieving carbon budgets and greenhouse gas reduction targets shall be assessed compared to a scenario where identified investments or investment categories did not proceed.
  - (3) In undertaking the assessment required under subsection (1), it is the duty of the UK Green Investment Bank to have regard to the advice and reports of the Committee on Climate Change required under sections 34, 36 and 38 of the Climate Change Act 2008.
  - (4) The Board must make a decision to adopt or amend its investment strategy or similar document described in subsection (1), unless it is satisfied, as a result of the assessment in subsection (1), that the proposed investment portfolio will, as a whole, increase the likelihood of achieving carbon budgets and greenhouse gas reduction targets under the Climate Change Act 2008.’
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**Enterprise and Regulatory Reform Bill, *continued***

*The UK Green Investment Bank: prohibition on investment in nuclear power or the nuclear industry*

Caroline Lucas

*Not called* **NC25**

To move the following Clause:—

‘The UK Green Investment Bank may not engage in activities that involve facilitating or encouraging investment in nuclear power or the nuclear industry.’

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Mr Chuka Umunna  
 Caroline Flint  
 Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

*Not called* **77**

Page **1**, line **11** [*Clause 1*], at end add—

‘(3) In undertaking investments in accordance with the green purposes outlined in subsection (1), the UK Green Investment Bank will identify opportunities in which small and medium-sized enterprises can be awarded contracts.’

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Secretary Vince Cable

*Agreed to* **1**

Page **2**, line **8** [*Clause 2*], leave out ‘in the United Kingdom’ and insert ‘(whether in the United Kingdom or elsewhere)’.

Secretary Vince Cable

*Agreed to* **2**

Page **2**, line **18** [*Clause 2*], leave out from ‘section’ to end of line 19 and insert ‘—  
 (a) is to be made by statutory instrument, and  
 (b) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.’

Secretary Vince Cable

*Agreed to* **3**

Page **2**, line **37** [*Clause 3*], leave out ‘in the United Kingdom’ and insert ‘(whether in the United Kingdom or elsewhere)’.

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**Enterprise and Regulatory Reform Bill, *continued***

Mr Chuka Umunna  
 Caroline Flint  
 Mr Iain Wright  
 Iain Murray  
 Chi Onwurah

*Negatived on division* **76**Page **3**, line **24** [*Clause 4*], at end add—

- ‘(7) Subject to the approval by the European Commission of the State aid notification concerning the establishment of the UK Green Investment Bank, the Secretary of State shall provide the European Commission with State aid notification concerning the intention to allow the Bank to borrow, including borrowing from the capital markets.
- (8) The duty in subsection (7) must be fulfilled no later than 31 December 2013.
- (9) It is the duty of HM Treasury and the Secretary of State to either—
- (a) permit the UK Green Investment Bank to begin borrowing from the capital markets by April 2015, or
  - (b) to present to Parliament a report within one month of the passage of this Act giving a clear, certain, alternative date for the UK Green Investment Bank to begin borrowing, based on Office for Budget Responsibility forecasts for the public finances and advice from the Green Investment Bank on its need for borrowing powers,
- both subject to the European Commission approving the State aid notification concerning borrowing.’.

Caroline Lucas  
 Mr Tim Yeo  
 Jonathan Edwards

*Not called* **89**Page **3**, line **24** [*Clause 4*], at end add—

- ‘( ) Subject to approval by the European Commission of the State aid notification concerning the establishment of the UK Green Investment Bank, it is the duty of the Secretary of State to provide the European Commission with State aid notification concerning the intention to allow the Bank to borrow, including borrowing from the capital markets.
- ( ) The duty in the above subsection must be fulfilled no later than 31 December 2013.
- ( ) In the event the European Commission approves the State aid notification concerning borrowing, it is the duty of the Treasury and of the Secretary of State to permit the Green Investment Bank to begin borrowing from the capital markets no later than 30 June 2015, or, if State aid approval has not been received by that date, no later than one month from the date of approval.’.

Secretary Vince Cable

*Agreed to* **4**Page **3**, line **27** [*Clause 5*], leave out from ‘treated’ to ‘as’ in line 28.

Secretary Vince Cable

*Agreed to* **5**Page **3**, line **29** [*Clause 5*], leave out ‘that Act’ and insert ‘the Companies Act 2006 for the purposes of the application to it of—

- (a) Chapters 4 and 4A of Part 10 of that Act, and

**Enterprise and Regulatory Reform Bill, *continued***

(b) Parts 15 and 16 of that Act (in respect of a financial year).’.

Mr Chuka Umunna  
 Caroline Flint  
 Mr Iain Wright  
 Iain Murray  
 Chi Onwurah

*Not called* 78

Page 4, line 9 [*Clause 6*], at end add—

- ‘(5) The Secretary of State will be required to receive independent expert review of the performance of the UK Green Investment Bank.
- (6) The Secretary of State will be required to receive such a review no less than every five years.
- (7) An interim review no less frequently than every two and half years.
- (8) The independent expert review in subsection (5) must, in particular, include or contain information relating to—
- (a) an assessment of the UK Green Investment Bank’s environmental performance in fulfilling the green purposes as set out in section 1.
  - (b) an analysis of the main trends and factors likely to affect the future development, performance and investments of the UK Green Investment bank,
  - (c) macroeconomic analysis, including assessments of demand in the UK economy and international factors likely to affect green investment and skills within the relevant industries,
  - (d) assessment of the competitiveness of the UK Green Investment Bank in securing competitive advantage for the UK in green and low carbon economies relative to other countries, and
  - (e) recommendations to improve the UK Green Investment Bank’s impact in fulfilling its green purposes in section 1.
- (9) Prior to the commencement of a review in relation to subsection (5), the Secretary of State must request the views of—
- (a) The Secretary of State for Energy and Climate Change,
  - (b) The Secretary of State for Environment, Food and Rural Affairs,
  - (c) The Committee on Climate Change,
  - (d) Ministers from the devolved administrations,
  - (e) investors and interested parties, and
  - (f) members of the public,
- and provide a copy of the results of the consultations to the person or persons undertaking the independent review.
- (10) The Secretary of State, in the capacity of shareholder, must provide such information as he considers reasonable to enable the person or body undertaking the review to fulfill the requirements of this subsection.
- (11) A review made in relation to subsection (5) must be published and laid before both Houses of Parliament.’.

**Enterprise and Regulatory Reform Bill, continued***AMENDMENTS TO CLAUSES 61 TO 64*

Mr Chuka Umunna  
Mr Iain Wright  
Ian Murray  
Chi Onwurah

*Negated on division* **93**

Page **51**, line **23** [*Clause 61*], at end insert—

‘(1A) A representative of the company’s employees must be consulted in the preparation of any such revision.’.

Mr Chuka Umunna  
Mr Iain Wright  
Ian Murray  
Chi Onwurah

*Not called* **95**

Page **52**, line **5** [*Clause 61*], leave out ‘ordinary’ and insert ‘special’.

Secretary Vince Cable

*Agreed to* **25**

Page **52**, line **8** [*Clause 61*], leave out from ‘begins’ to ‘or’ in line 9 and insert ‘on or after the day on which section 61 of the Enterprise and Regulatory Reform Act 2012 comes into force’.

Mr Chuka Umunna  
Mr Iain Wright  
Ian Murray  
Chi Onwura

*Not called* **86**

Page **52**, line **11** [*Clause 61*], leave out subsection (b) and insert—

‘(b) and annually thereafter.’.

Mr Chuka Umunna  
Mr Iain Wright  
Ian Murray  
Chi Onwurah

*Not called* **96**

Page **52**, line **17** [*Clause 61*], leave out ‘ordinary’ and insert ‘special’.

Secretary Vince Cable

*Agreed to* **26**

Page **53**, line **19** [*Clause 62*], at end insert—

‘“quoted company” has the same meaning as in Part 15 of this Act;’.

Secretary Vince Cable

*Agreed to* **27**

Page **53**, line **22** [*Clause 62*], leave out from ‘person’ to ‘other’ in line 23 and insert

**Enterprise and Regulatory Reform Bill, *continued***

‘—

- (a) holding, agreeing to hold or having held office as director of a company, or
- (b) holding, agreeing to hold or having held, during a period when the person is or was such a director—
  - (i) any other office or employment in connection with the management of the affairs of the company, or
  - (ii) any office (as director or otherwise) or employment in connection with the management of the affairs of any subsidiary undertaking of the company.’

Secretary Vince Cable

*Agreed to* **28**Page **54**, line **27** [*Clause 62*], after ‘be’ insert ‘or has been’.

Secretary Vince Cable

*Agreed to* **29**Page **58**, line **4** [*Clause 63*], at end insert—

‘(12) In that Schedule, in the first column, after “quoted company”, insert—

“—in Chapter 4A of Part 10 section 226A(1)”.’.

Secretary Vince Cable

*Agreed to* **30**Page **58**, line **13** [*Clause 64*], leave out from ‘begin’ to ‘, and’ in line 14 and insert ‘on or after the day on which that section of this Act comes into force’.**AMENDMENTS TO PART 6 (OTHER THAN AMENDMENTS TO CLAUSES 61 TO 64)**

Secretary Vince Cable

*Agreed to* **23**Page **47**, line **17** [*Clause 57*], at end insert—

- ‘( ) But regulations under this section may make only such provision as may be made under subsection (2) of section 2 of the European Communities Act 1972 or such provision as could be made under that subsection if paragraph 1(1)(d) of Schedule 2 to that Act did not apply.’.

Secretary Vince Cable

*Agreed to* **24**Page **47**, line **33** [*Clause 57*], at end insert—

**Enterprise and Regulatory Reform Bill, continued**

- ( ) But regulations under this section may make only such provision as may be made under subsection (2) of section 2 of the European Communities Act 1972 or such provision as could be made under that subsection if paragraph 1(1)(d) of Schedule 2 to that Act did not apply.’.

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Mr Chuka Umunna  
Mr Iain Wright  
Ian Murray  
Chi Onwurah

*Not called* 75

Page 49, line 19 [*Clause* 59], at end insert—

- (7) The Secretary of State must have regard to any feasibility study commissioned on the licensing of orphan works in advance of the regulations being laid before Parliament.’.

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Secretary Vince Cable

*Agreed to* 31

Page 59, line 34 [*Clause* 68], leave out ‘17(1)(c)’ and insert ‘17(2A)’.

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Secretary Vince Cable

*Agreed to* 32

Page 60, line 14 [*Clause* 68], after ‘50,’ insert ‘[*Osborne estate*]’.

Secretary Vince Cable

*Agreed to* 33

Page 60, line 14 [*Clause* 68], after ‘54’ insert ‘and [*Estate agency work*]’.

Secretary Vince Cable

*Agreed to* 34

Page 60, line 15 [*Clause* 68], at end insert—

- ( ) section [*Civil liability for breach of health and safety duties*] extends only to England and Wales and Scotland except that it also extends to Northern Ireland so far as Parts 1 and 4 of the Health and Safety at Work etc. Act 1974 extend there.’.

Secretary Vince Cable

*Agreed to* 35

Page 60, line 16 [*Clause* 68], leave out ‘section’ and insert ‘sections’.

Secretary Vince Cable

*Agreed to* 36

Page 60, line 16 [*Clause* 68], after ‘52’ insert ‘, [*Equality Act 2010: third party harassment of employees and applicants*] and [*Equality Act 2010: obtaining information for proceedings*]’.

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**Enterprise and Regulatory Reform Bill, *continued***

Secretary Vince Cable

Agreed to **37**

Page **60**, line **16** [*Clause 68*], leave out ‘extends’ and insert ‘and paragraphs 1, 52 to 54, 56 and 61 of Schedule [*Adjudicators: minor and consequential amendments*] extend’.

Secretary Vince Cable

Agreed to **38**

Page **60**, line **17** [*Clause 68*], leave out ‘section’ and insert ‘sections’.

Secretary Vince Cable

Agreed to **39**

Page **60**, line **17** [*Clause 68*], before ‘51’ insert ‘[*Listed buildings in England: agreements and orders granting listed building consent*]’.

Secretary Vince Cable

Agreed to **40**

Page **60**, line **17** [*Clause 68*], before ‘51’ insert ‘[*Listed buildings in England: certificates of lawfulness*]’.

Secretary Vince Cable

Agreed to **41**

Page **60**, line **17** [*Clause 68*], after ‘51’ insert ‘ and [*Adjudicators*]’.

Secretary Vince Cable

Agreed to **42**

Page **60**, line **17** [*Clause 68*], leave out first ‘Schedule’ and insert ‘Schedules’.

Secretary Vince Cable

Agreed to **43**

Page **60**, line **17** [*Clause 68*], before ‘16’ insert ‘and [*Local listed building consent orders: procedure*]’.

Secretary Vince Cable

Agreed to **44**

Page **60**, line **17** [*Clause 68*], after ‘17’ insert ‘, Schedule [*Adjudicators: bankruptcy applications by debtors and bankruptcy orders*] and paragraphs 2 to 51, 55, 57 to 60 and 62 of Schedule [*Adjudicators: minor and consequential amendments*]’.

Secretary Vince Cable

Agreed to **45**

Page **60**, line **22** [*Clause 68*], at end insert ‘except that section [*Power to provide for equal pay audits*] extends only to England and Wales and Scotland’.

Secretary Vince Cable

Agreed to **46**

Page **60**, line **26** [*Clause 69*], at end insert—  
‘( ) section [*Osborne estate*]’.

Secretary Vince Cable

Agreed to **47**

Page **60**, line **26** [*Clause 69*], at end insert—  
‘( ) section [*Power to provide for equal pay audits*]’.

**Enterprise and Regulatory Reform Bill, continued**

Mr Nicholas Brown  
 Ian Mearns  
 Mrs Sharon Hodgson  
 Fabian Hamilton  
 Catherine McKinnell  
 Paul Blomfield

*Withdrawn* **69**

Page **60**, line **30** [*Clause 69*], at end insert—

‘(d) Sections [*Local authorities: powers relating to deemed consent*] and [*Restriction of advertisements relating to property letting*].’.

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*REMAINING NEW CLAUSES AND REMAINING NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 5 (OTHER THAN AMENDMENTS TO SCHEDULE 16)*

*European regulation on business*

Richard Fuller

*Not selected* **NC19**

To move the following Clause:—

‘The Secretary of State for Business, Innovation and Skills shall produce a report each year following commencement of this Act to demonstrate how the Government has applied the “one in, one out” regulatory principle to European regulations on business in that year.’.

Secretary Vince Cable

*Agreed to* **21**

Page **42**, line **38** [*Clause 50*], leave out ‘, other than the Scottish Ministers,’.

Secretary Vince Cable

*Agreed to* **22**

Page **42**, line **39** [*Clause 50*], at end insert ‘except to the extent that—

- (a) the power or duty is exercisable by the Scottish Ministers, or
- (b) the power or duty is exercisable by any other person within devolved competence (within the meaning of the Scotland Act 1998).’.

Richard Fuller

*Not called* **63**

Page **43**, line **1** [*Clause 50*], leave out ‘may’ and insert ‘must’.

Richard Fuller

*Not called* **64**

Page **43**, line **4** [*Clause 50*], after ‘specified period’, insert ‘, or’.

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**Enterprise and Regulatory Reform Bill, *continued***

Richard Fuller

*Not called* 65Page 43, line 6 [*Clause* 50], after ‘specified period’, insert ‘, or’.

Richard Fuller

*Not called* 66Page 43, line 10 [*Clause* 50], leave out line 10 and insert ‘If the provision is made by virtue of subsection (2)(a), it includes’.

Richard Fuller

*Not called* 67Page 43, line 19 [*Clause* 50], leave out ‘may’ and insert ‘must if necessary’.John McDonnell  
Mr Chuka Umunna  
Yvette Cooper  
Mr Iain Wright  
Ian Murray  
Chi Onwurah*Negated on division* 56

Page 43, line 27, leave out Clause 52.

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**NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PARTS 3  
AND 4**
*Public interest interventions in mergers*Mr Chuka Umunna  
Mr Iain Wright  
Ian Murray  
Chi Onwurah*Not selected* NC23

To move the following Clause:—

- ‘(1) Section 58 of the Enterprise Act 2002 is amended as follows.
- (2) After subsection (2) insert—
  - “(3) The effects of the proposed merger on the long-term competitiveness of the UK economy”.’.

Richard Fuller

*Not called* 60Page 13, line 24 [*Clause* 19], after ‘United Kingdom’, insert ‘and to promote choice in the local retail sector’.



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**Enterprise and Regulatory Reform Bill, *continued***

Richard Fuller

*Not called* 61

Page 13, line 24 [*Clause 19*], after ‘United Kingdom’, insert ‘and to promote growth of locally-owned businesses’.

Richard Fuller

*Not called* 62

Page 13, line 24 [*Clause 19*], after ‘United Kingdom’, insert ‘and to promote the establishment of new businesses’.

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John McDonnell  
Caroline Lucas  
Jeremy Corbyn  
Stewart Hosie  
Jonathan Edwards  
Katy Clark

*Not called* 55

Page 14, line 27 [*Clause 21*], leave out ‘or similar to’.

Secretary Vince Cable

*Agreed to* 18

Page 37, line 20 [*Clause 40*], at end insert—  
‘(6) After section 188A (as inserted by subsection (5) above) insert—

**“188B Defences to commission of cartel offence**

- (1) In a case where the arrangements would (operating as the parties intend) affect the supply in the United Kingdom of a product or service, it is a defence for an individual charged with an offence under section 188(1) to show that, at the time of the making of the agreement, he or she did not intend that the nature of the arrangements would be concealed from customers at all times before they enter into agreements for the supply to them of the product or service.
- (2) It is a defence for an individual charged with an offence under section 188(1) to show that, at the time of the making of the agreement, he or she did not intend that the nature of the arrangements would be concealed from the CMA.
- (3) It is a defence for an individual charged with an offence under section 188(1) to show that, before the making of the agreement, he or she took reasonable steps to ensure that the nature of the arrangements would be disclosed to professional legal advisers for the purposes of obtaining advice about them before their making or (as the case may be) their implementation.”.

Secretary Vince Cable

*Agreed to* 19

Page 37, line 20 [*Clause 40*], at end insert—

**Enterprise and Regulatory Reform Bill, *continued***

( ) After section 190 of the 2002 Act insert—

**“190A Cartel offence: prosecution guidance**

- (1) The CMA must prepare and publish guidance on the principles to be applied in determining, in any case, whether proceedings for an offence under section 188(1) should be instituted.
- (2) The CMA may at any time issue revised or new guidance.
- (3) Guidance published by the CMA under this section is to be published in such manner as it considers appropriate.
- (4) In preparing guidance under this section the CMA must consult—
  - (a) the Director of the Serious Fraud Office;
  - (b) the Lord Advocate; and
  - (c) such other persons as it considers appropriate.”

Secretary Vince Cable

*Agreed to* **20**

Page **37**, line **21** [*Clause 40*], leave out ‘this section’ and insert ‘subsections (1) to (6)’.

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*REMAINING NEW CLAUSES*

*Duty of company directors to protect consumer pre-payments*

Katy Clark  
Mr George Galloway  
Mrs Linda Riordan  
Mr Mike Weir  
Caroline Lucas  
Jeremy Corbyn

*Not called* **NC3**

To move the following Clause:—

- (1) A director of a company must ensure—
  - (a) that provision is made for consumers to be reimbursed where they have made payments, in full or in part, in respect of goods or services that the company is unable to deliver, and
  - (b) that a statement of the nature of this provision is made available to consumers and prospective consumers.
- (2) A person who fails to carry out his duty under subsection (1) is guilty of an offence under section 993 of the Companies Act 2006.’

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*Town and country planning: Amendment of the Town and Country Planning (Control of*

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**Enterprise and Regulatory Reform Bill, *continued****Advertisements) (England) Regulations 2007*

Mr Nicholas Brown

*Not called* **NC4**

To move the following Clause:—

- ‘(1) Class 3 of Schedule 3 to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, (Classes of advertisements for which deemed consent is granted) is amended as follows.
  - (2) In item 3A, after “sale”, leave out “or letting”.
  - (3) In item 3A(2), after both uses of “sold”, leave out “or let”.
  - (4) In item 3A(2), after “sale”, leave out “or letting”.
  - (5) In item 3A(8), after “sale”, leave out “or letting”.’
- 

*Town and country planning: responsibilities of housing authorities*

Mr Nicholas Brown

*Not called* **NC5**

To move the following Clause:—

- ‘(1) Local authorities in England which enjoy day-to-day responsibility for housing policy within their local authority area may make by-laws regulating for all or part of the authority the display of external advertisements concerning property lettings.
  - (2) If a housing authority has not specifically provided for the display of external notices advertising a property to let then such a notice is not permitted.’
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*Town and country planning: offences*

Mr Nicholas Brown

*Not called* **NC6**

To move the following Clause:—

- ‘(1) It shall be an offence to display an external notice prohibited by subsection (2) of section (Town and country planning: responsibilities of housing authorities).
  - (2) A person guilty of an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
  - (3) A person guilty of a second or subsequent offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 5 on the standard for each separate such offence.’
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**Enterprise and Regulatory Reform Bill, *continued****Town and country planning: commencement and extent*

Mr Nicholas Brown

*Not called* **NC7**

To move the following Clause:—

- ‘(1) Sections (Town and country planning: Amendment of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Town and country planning: responsibilities of housing authorities, and Town and country planning: offences) come into force two months after the day on which this Act is passed.
- (2) Sections (Town and country planning: Amendment of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Town and country planning: responsibilities of housing authorities, and Town and country planning: offences) extend to England only.’

*Investment in local businesses*

Richard Fuller

*Not selected* **NC18**

To move the following Clause:—

‘The Secretary of State for Business, Innovation and Skills shall conduct a review of how his Department can encourage local investment in local businesses, and lay a copy of the report before the House of Commons before 1 December 2012.’

*Local authorities: powers relating to deemed consent*

Mr Nicholas Brown  
 Ian Mearns  
 Mrs Sharon Hodgson  
 Fabian Hamilton  
 Catherine McKinnell  
 Paul Blomfield

*Not called* **NC20**

To move the following Clause:—

- ‘(1) Part 2 Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is amended as follows.
- (2) In item (1) delete “Secretary of State” and insert “local authority”.
- (3) In item (1) delete “upon a proposal made to her by the local planning authority”.
- (4) In item (1) delete “she” and insert “the local authority”.
- (5) In item (2) delete “ Secretary of State” and insert “local authority”.
- (6) In item (2b) delete “her” and insert “the local authority’s”.
- (7) In item (3) delete “Secretary of State” and insert “local authority”.
- (8) In item (4) delete “Secretary of State” and insert “local authority”.

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**Enterprise and Regulatory Reform Bill, *continued***

- (9) In item (5) delete “ Secretary of State” and insert “local authority”.
- (10) In item (5b) delete “the local planning authority and to any other” and insert “any”.
- (11) In item (5) delete part (c).
- (12) In item (5b) delete “her” and insert “the local authority”.
- (13) In item (5c(i)) delete “she” and insert “the local authority”.
- (14) In item (5c(i)) delete “her” and insert “the local authority’s”.
- (15) In item (6) delete from “Where” to end and insert “Where the local authority makes a direction it shall send a copy of its reasons to every person who has made a paragraph (3) representation.”.
- (16) In item (7) delete “unless the Secretary of State otherwise directs”.

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*Restriction of advertisement relating to property lettings*

Mr Nicholas Brown  
Ian Mearns  
Mrs Sharon Hodgson  
Fabian Hamilton  
Catherine McKinnell  
Paul Blomfield

*Not called* **NC21**

To move the following Clause:—

- ‘(1) Local authorities in England which enjoy day-to-day responsibility for housing policy within their local authority area may make by-laws restricting for all or part of the authority the display of external advertisements concerning property lettings.
  - (2) It shall be an offence to display an external advertisement concerning property letting in areas or cases where the Local Planning Authority has, under subsection (1), passed a by-law prohibiting external advertisements concerning property letting.
  - (3) A person found guilty of an offence under subsection (2) is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
  - (4) A person found guilty of a second or subsequent offence under subsection (2) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale for each such offence.’
-

**Enterprise and Regulatory Reform Bill, *continued***

*Review of legislation relating to health and safety at work and application of sunset and review provisions to this legislation*

Katy Clark  
John McDonnell  
Mrs Linda Riordan  
Caroline Lucas  
Mr George Galloway  
Grahame M. Morris

*Not called* **NC26**

To move the following Clause:—

- ‘(1) The Secretary of State must—
- (a) carry out a review of the effectiveness of all existing legislation relating to health and safety at work, and
  - (b) prepare and publish a report setting out the conclusions of the review.
- (2) The review and report must quantify, in particular—
- (a) the effectiveness of the legislation in terms of reducing deaths, injuries and sickness in the workplace,
  - (b) the human cost, and full societal costs of work-related injuries, deaths and ill-health in terms of pain and suffering, injuries, sickness and years of life lost, and
  - (c) the full societal costs of the impact of the legislation including those costs resulting from welfare and healthcare spending, and resulting from the number of days lost in the workplace due to ill-health.
- (3) Subordinate legislation under section 14A of the Interpretation Act 1978 in respect of any provision relating to health and safety at work may not be made until after the report has been published.’.

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*Information about payments to recruitment and remuneration consultants in respect of directors’ remuneration*

Mr Chuka Umunna  
Mr Iain Wright  
Ian Murray  
Chi Onwurah

*Not called* **NC27**

To move the following Clause:—

‘After section 413 of the Companies Act 2006 (Information about directors’ benefits: advances, credit and guarantees) insert—

**“413A Information about payments to recruitment and remuneration consultants**

The Secretary of State may make provision by regulations requiring information to be given in notes to a company’s annual accounts about payments made in the relevant accounting period in respect of recruitment and remuneration advice relating to directors, including

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**Enterprise and Regulatory Reform Bill, *continued***

information specifying any fees that have been paid in proportion to the remuneration agreed for a director.”’.

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*REMAINING NEW SCHEDULES; REMAINING PROCEEDINGS ON CONSIDERATION*

Katy Clark

*Not called* **90**

Title, line 7, after ‘about’, insert ‘duties of and’.

Mr Nicholas Brown

*Not called* **91**

Title, line 7, after ‘directors;’, insert ‘to make provision about advertisements concerning property lettings;’.

*Bill, as amended, read the third time, and passed.*

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